

# INDUSTRY CIRCULAR

OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE  
ALCOHOL AND TOBACCO TAX DIVISION



WASHINGTON 25, D. C.

Industry Circular No. 59-23

April 28, 1959

## LIMITATIONS ON OUTSTANDING POWERS OF ATTORNEY

Proprietors of distilleries, alcohol plants,  
bonded warehouses, rectifying plants,  
taxpaid bottling houses, denaturing  
plants, and others concerned:

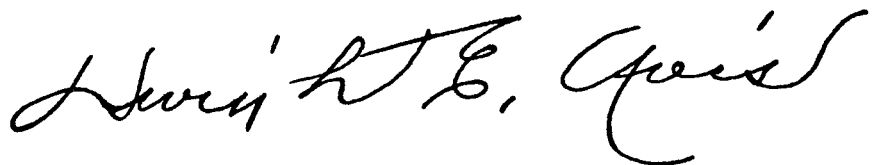
**Purpose.** The purpose of this industry circular is to call your attention to certain limitations in authorizations and suggest that powers of attorney executed on Forms 1534 be examined to determine whether they are sufficiently broad to cover your anticipated needs under the new law and regulations.

**Background.** All qualifying documents, such as applications for permits or for registration, and bonds, required by the regulations relating to alcohol (including denatured alcohol), and distilled spirits, if signed by an attorney in fact on behalf of the corporation, association, partnership, or individual required to file such documents, must be accompanied by a duly authenticated copy of the power of attorney, Form 1534, authorizing such person to so sign the documents, unless he is authorized to sign by the corporate documents. Also, if claims, offers in compromise, certain reports, and other statements submitted by industry members are to be signed by an attorney in fact not authorized to sign by the corporate documents, a power of attorney must be on file giving authorization to such person to sign those documents. Proprietors of alcohol plants, denaturing plants, registered and fruit distilleries, bonded warehouses, rectifying plants, and taxpaid bottling houses must qualify their premises as distilled spirits plants under 26 CFR Part 201. Many existing powers of attorney may be too restrictive to cover documents filed for such qualification.

**Limitations of powers of attorney.** Although many existing powers of attorney filed on Form 1534 were executed so as to give general authorization for the signing of all of the various documents, many bear restrictions, either as to the documents the attorney in fact may sign or as to the premises to which the authorization applies. Where Form 1534 was executed so as to convey limited power, restricting such power to specified types of documents or designated premises, the person named therein is without authority to sign any documents other than those specified or which relate to any premises other than those designated. In the case of powers of attorney now on file which limit the authorizations conveyed, it may be necessary to execute new powers of attorney so that the attorney in fact may continue to sign on your behalf after the regulations are issued or amended pursuant to Public Law 85-859.

Filing of new powers of attorney. In order that you will not be inconvenienced or delayed in the filing of any papers as a result of present limitations contained in powers of attorney now on file, it is suggested that you inspect such powers of attorney to determine whether they will be adequate for your needs under the new or amended regulations, i.e., whether they cover all of the documents, claims, reports, and other papers, which you desire to have signed by an attorney in fact and for which a power of attorney is required, and whether limitations as to the premises to which the authorization applies will be too restrictive for operations in the light of the new regulations. In reviewing current restrictive Forms 1534 and in the filing of new powers of attorney, it will be helpful to keep in mind (1) the possible need for new powers of attorney to accompany such qualifying documents as may be required under the new or amended regulations, when issued, (2) that, although a person may now be authorized to sign certain specified forms, reports, or other papers, should a different form be prescribed or the proposed use of the form be changed, the authorization would not accurately describe the particular documents as revised under the new regulations, and (3) that if an existing power of attorney is, for example, limited to a specific registered distillery, then that power of attorney is without effect in respect of any other plant. In connection with item (3), when regulations are issued requiring the requalification of presently qualified premises as distilled spirits plants, a new power of attorney will be necessary if the current power of attorney was executed so as to restrict the type, location, or designation of the premises covered thereby (even though the premises remain the same except as to the redesignation as a distilled spirits plant).

Inquiries. Any inquiries regarding this industry circular should refer to its number and be addressed to the office of your assistant regional commissioner (alcohol and tobacco tax).



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